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Programme 4. Legal affairs

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4.1 The overall objectives of this programme are to provide a unified central legal service for the Secretariat and the principal and other organs of the United Nations, to contribute to the progressive development and codification of international public and trade law, to promote the strengthening and development as well as the effective implementation of the international legal order for the seas and oceans, to register and publish treaties, and to perform the depositary functions of the Secretary-General. The Office of Legal Affairs seeks to achieve this through the provision of legal services on questions of international and national, public, private, procedural and administrative law, by providing substantive secretariat functions to United Nations bodies and by contributing to the understanding, acceptance and consistent application of the 1982 United Nations Convention on the Law of the Sea and related implementing Agreements, through the expeditious processing and publication of treaty-related actions and treaties registered and deposited, and by providing assistance to Member States in matters related to treaty law.

4.2 The Office of Legal Affairs is responsible for the implementation of this programme and for the achievement of its objectives.

4.3 The mandate for the programme derives from the responsibilities entrusted to it by the Secretary-General and other units of the Secretariat and the principal decision-making organs of the United Nations in accordance with the Charter of the United Nations and the Statute of the International Court of Justice.

4.4 The broad approaches and direction to be followed under this programme will be as follows:

(a) Ensuring the rule of law in and through the United Nations and the proper and orderly conduct of business by its organs;

(b) The provision of legal services to and liaison between Headquarters and United Nations organs, United Nations offices and field and peace-keeping missions, including maintaining respect for privileges and immunities and the legal status of the Organization;

(c) The discharge of the Secretary-General's responsibilities under the Statute of the International Court of Justice, except those of a budgetary nature;

(d) The provision of legal assistance and advice to Secretariat staff worldwide relating to the provision of goods, services and facilities to the Organization and its missions, and the resolution of legal disputes involving the Organization, including the representation of the Secretary-General in judicial proceedings, negotiations or other procedures;

(e) The provision of secretariat services for the Sixth Committee of the General Assembly, the International Law Commission, the United Nations Commission on International Trade Law and other committees or conferences dealing with legal matters;

(f) The preparation of the Repertory of Practice of United Nations Organs, a record of the practice of the General Assembly in procedural matters, publications on legal matters and studies to assist the progressive development and codification of international law and the law of international trade;

(g) The provision of assistance in the teaching, study, dissemination and wider appreciation of international law and the law of international trade;

(h) The provision of information, analysis, advice and assistance to States on law of the sea and ocean affairs, consistent with the United Nations Convention on the Law of the Sea;

(i) The monitoring, review and analysis of and reporting on developments relating to the law of the sea and ocean affairs, including persistent and emerging issues, as well as the formulation of recommendations thereon;

(j) The provision of substantive servicing of the relevant institutions and intergovernmental bodies as mandated by the United Nations Convention on the Law of the Sea and the General Assembly and the fulfilment of the Secretary-General's responsibilities with respect to dispute settlement;

(k) The strengthening and expansion of cooperation and coordination among relevant international organizations in the field of the law of the sea and ocean affairs;

(l) The discharge of the Secretariat's responsibilities under Article 102 of the Charter of the United Nations on the registration and publication of treaties, including through the adoption of electronic publishing techniques, and the Secretary-General's responsibilities as the depositary for multilateral conventions.

4.5 During the plan period, this programme will provide legal advice and services of great importance in connection with a wide range of questions dealt with by the decision-making organs of the United Nations and its Member States. It will strengthen respect within the United Nations for the rule of law in international relations, in particular, observance of the Charter and the resolutions, decisions, rules, regulations and treaties emanating from the Organization.

Subprogrammes

Subprogramme 4.1 Overall direction, management and coordination of legal advice and services to the United Nations as a whole

4.6 The main objective of this subprogramme is to assist the principal organs of the United Nations by providing legal advice on complex and often politically sensitive questions. This applies in particular to the interpretation of the Charter, resolutions and regulations of the United Nations, treaties and questions of public international law. Peace-keeping and other operations, missions and good-offices will present this subprogramme with legal questions involving the use of force, privileges and immunities, and third-party

liability. One specific objective for the plan period is to sustain the evolution of legal arrangements in support of the United Nations efforts to maintain international peace and security. This subprogramme is implemented by the Office of the Legal Counsel.

4.7 Another objective of this subprogramme is to assist the meetings of principal organs of the United Nations and the cycle of conferences by providing legal services, including advice on constitutional and procedural and credentials matters. A related objective is the preparation of draft rules of procedure and the assessment of questions relating to representation of States to the United Nations.

4.8 A further objective of this subprogramme is to ensure that as subsidiary organs of the United Nations, the International Tribunals for the Former Yugoslavia and for Rwanda operate in accordance with United Nations rules, regulations and policies, and that as judicial organs they act independently of States and the Security Council. In the framework of this subprogramme, the Office of Legal Affairs advises the Security Council on legal aspects of the activities of the Tribunals and advises the Tribunals on their relationship with third States, relevant peace-keeping operations and the host countries.

4.9 The activities and assistance delivered by the United Nations in the territories of Member States require attention to questions concerning the privileges and immunities of the Organization and relations with host Governments. An important objective is the negotiation and finalization of legal arrangements to regulate the status and activities of United Nations offices.

4.10 It is anticipated that during the plan period this subprogramme will enhance the effectiveness of the principal and subsidiary organs of the United Nations and of peace-keeping and other missions by ensuring that their work is carried out in accordance with the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations, other relevant international agreements and rules, resolutions and decisions of competent decision-making organs of the United Nations.

Subprogramme 4.2 General legal services to United Nations organs and programmes

4.11 A major objective of this subprogramme is to assist the Organization (Headquarters, the regional commissions, other United Nations offices away from Headquarters and peace-keeping and other missions) and other United Nations organizations in day-to-day administration of their mandates and programmes through the provision of legal services. These involve (a) participation in meetings of secretariat bodies, such as the Committee on Contracts, the Staff Management Coordination Committee, the Property Survey Board, the Claims Board and so on; and (b) interpretation of certain Articles of the Charter, General Assembly resolutions and decisions, the regulations, rules and other administrative issuances of the Organization and the mandates of programmes and activities in which United Nations organs and bodies are engaged. This subprogramme is implemented by the General Legal Division of the Office of Legal Affairs.

4.12 Other important objectives of this subprogramme are to provide legal services and support for (a) the peace-keeping operations of the Organization in the contracting for air, land and sea transportation, for rations and logistical support and for personnel and equipment and resolution of related disputes; (b) the Organization's expanded contracting requirements and the reform of procurement; and (c) the separately funded programmes, funds and offices of the United Nations in connection with the negotiation of new agreements for the establishment of programmes of cooperation for development, as well as for the development of new institutional modalities for operational activities and initiatives to counter epidemics and other hazards.

4.13 Additional objectives of this subprogramme are to provide legal services and support for the regulations, rules and other administrative issuances of the Organization and the revisions to the system of personnel appraisal. One specific objective of this subprogramme is to provide representation of the Secretary-General before the Administrative Tribunal and representation of the Organization before other judicial and arbitral bodies.

4.14 The subprogramme is expected to protect the legal rights of the Organization and to minimize and resolve legal disputes and other legal difficulties that arise with regard to the operations of the Organization and to assist with the development and implementation of the Organization's administrative law consistent with the needs and interests of the Organization.

Subprogramme 4.3 Progressive development and codification of international law

4.15 The objectives of the subprogramme are (a) to promote the acceptance of and respect for the principles of international law and to encourage the progressive development and codification of international law; and (b) to encourage the dissemination and wider appreciation of international law. The subprogramme is implemented by the Codification Division of the Office of Legal Affairs.

4.16 The first objective requires providing United Nations bodies dealing with international law, including the Sixth Committee of the General Assembly, the International Law Commission, codification conferences and special committees established on the recommendation of the Sixth Committee with substantive support, including, inter alia, the conduct of research on topics of international law, the compiling of background documentation, the preparation of draft reports of a substantive nature of the bodies concerned, as well as assistance in the conduct of proceedings and the drafting of resolutions, decisions, amendments, proposals and so on.

4.17 The second objective requires monitoring the implementation of the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and ensuring the preparation and issuance of legal publications, including the Yearbook of the International Law Commission, the United Nations Juridical Yearbook, the Legislative Series and the Reports of International Arbitral Awards.

4.18 It is expected that a number of drafts will be placed before the General Assembly as a result of the activities of the subsidiary legal bodies referred

to above and that those drafts will serve as a basis for the elaboration by the General Assembly (Sixth Committee) of conventions, declarations, resolutions or guidelines on legal topics. The publications listed above will be issued on a yearly basis or at intervals depending on the availability of material. Assistance in the form of fellowships, seminars and United Nations legal publications will be provided, in particular to developing countries.

Subprogramme 4.4 Law of the sea and ocean affairs

4.19 The mandate for this subprogramme lies in the United Nations Convention on the Law of the Sea and the implementing Agreements, in decisions taken by meetings of States parties to the Convention and by the General Assembly, in particular its resolution 49/28 of 6 December 1994 adopted upon the entry into force of the Convention. This subprogramme is to be implemented by the Division of Ocean Affairs and the Law of the Sea.

4.20 The first objective of the subprogramme is to promote the universal acceptance of the Convention and its uniform and consistent application. To that end, information, analysis and advice will be provided on the Convention and the Agreements, their status and state practice relating thereto.

4.21 A second objective is to assist States and international organizations in the development of legal instruments in the field of law of the sea and ocean affairs in harmony with the provisions of the Convention.

4.22 A third objective is to assist in the effective functioning of the treaty system of institutions. This will be accomplished by providing servicing to meetings of States parties and to the Commission on the Limits of the Continental Shelf, and by providing legal assistance to the International Seabed Authority. Assistance will also be provided to the dispute-settlement mechanisms set forth by the Convention, including the International Tribunal for the Law of the Sea.

4.23 A fourth objective is to assist Member States in identifying emerging aspects of marine affairs within the framework of the Convention, by analysing areas requiring action, organizing groups of experts for the purpose of formulating appropriate responses to emerging needs and servicing multilateral consultations and negotiations so as to contribute to the progressive development and codification of international law.

4.24 A fifth objective is to assist Member States in their efforts to derive practical benefits from the international legal regime for the oceans. In this area, emphasis will be given to developing and strengthening the capabilities of States, including institutional infrastructure, as well as human, technical and financial resources.

4.25 Finally, a sixth objective is to respond to the expressed need of the international community for the annual consideration, review and evaluation of continuing developments related to the law of the sea and ocean affairs in the General Assembly through the monitoring and analysis of and reporting on developments relating to the law of the sea and ocean affairs, including legal, political, economic, technological and scientific developments.

4.26 This subprogramme is expected to contribute to a wider acceptance of the Convention, a higher degree of uniformity and consistency in its application and its more effective implementation, as well as to enhanced capabilities of States to derive the fullest benefits under the comprehensive international legal regime for the seas and oceans.

Subprogramme 4.5 Progressive harmonization and unification of the law of international trade

4.27 A major objective of this subprogramme is to provide Governments and legislators with universally acceptable, modern and harmonized treaties and model laws in areas where harmonization of commercial law is desirable and feasible, and also to provide commercial parties with non-legislative texts (e.g. model clauses, rules and legal guides) to assist them in implementing international transactions. This subprogramme is implemented by the International Trade Law Branch.

4.28 A further major objective is to meet the increased demand of Governments for training and technical assistance regarding enactment of legal texts of the United Nations Commission on International Trade Law (e.g. on settlement of disputes, public procurement, electronic data interchange, international payments) by assisting in preparation of legislation, briefing officials, conducting seminars and assisting Governments, professional associations and academic institutions, in particular in developing countries and countries in transition, to improve the teaching of international trade law (e.g. by co-sponsoring educational events and helping to develop teaching programmes).

4.29 Another objective is to provide training and assistance, in conjunction with regional organizations, to foster regional harmonization of trade laws on the basis of universal texts. A further objective is to monitor the work of other international organizations active in international trade law so as to avoid duplication in their activities and to prevent inconsistencies in the results of their work. A complementary objective is to provide users of texts of the United Nations Commission on International Trade Law with information on the judicial and arbitral application and interpretation of those texts. Such information is made available, in all United Nations languages, in the form of abstracts of court decisions and arbitral awards.

4.30 This subprogramme is expected to facilitate the globalization of commerce and finance, with their increasingly complex cross-border transactions, by reducing legal obstacles posed by inadequate and disparate laws.

Subprogramme 4.6 Custody, registration and publication of treaties

4.31 The recent expansion of the Organization's membership and the rapid multiplication of international legislative activity has resulted in the increase in the nature, quantity and complexity of the tasks performed by this subprogramme. With a view to dealing effectively with the accumulated and current workload and pursuant to a General Assembly mandate, a major computerization programme is under way. This subprogramme is implemented by the Treaty Section.

4.32 The key objectives of the subprogramme are:

(a) To perform the depositary functions of the Secretary-General (for over 440 multilateral treaties) and the registration functions of the Secretariat and also to facilitate the provision of timely and accurate information relating to the agreements registered with the Secretariat (over 40,000 at the end of 1995);

(b) To provide assistance and advice to Member States, United Nations bodies and other entities on the technical aspects of treaty making and on treaty law.

4.33 In furthering these objectives, it is essential to complete the computerization programme and in particular:

(a) To develop a comprehensive electronic database containing all depositary and registration information and disseminate electronically treaty- and treaty law-related information from the database, including on-line access;

(b) To implement an electronic workflow system employing desktop publishing to address the existing printing backlog;

(c) Through further training, to develop a highly motivated, competent and professional work force and to explore innovative approaches such as off-site working, machine-aided electronic translation and the listing of treaties under different headings.

4.34 This subprogramme is expected to result in the expeditious processing and publication, including by electronic means, of treaty-related actions and treaties registered and deposited.